

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #16	CCRB Case #: 201610409	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/20/2016 9:30 PM, Wednesday, 12/21/2016	Location of Incident: Clarendon Road and East 53rd Street; East 92nd Street and Canarsie Road	Precinct: 67	18 Mo. SOL 6/20/2018	EO SOL 6/20/2018	
Date/Time CV Reported Tue, 12/20/2016 11:04 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 12/20/2016 11:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Daniel Dallemand	478	944480	069 PCT
2. POM Jerry Joseph	00444	949149	069 PCT
3. POM Steve Cruz	20218	950252	069 PCT
4. POM Dwayne Hodge	26465	949270	068 PCT
5. POM Stephen Gibbons	16659	945374	068 PCT
6. DTS Adam Conlin	4118	946871	PBBS SU

Officer(s)	Allegation	Investigator Recommendation
A.DTS Adam Conlin	Abuse: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Stephen Gibbons	Abuse: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Police Officer Stephen Gibbons stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Dwayne Hodge	Abuse: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Police Officer Dwayne Hodge stopped the vehicle in which § 87(2)(b) was an occupant.	
D.DTS Adam Conlin	Force: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin used physical force against § 87(2)(b)	
E.DTS Adam Conlin	Discourtesy: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin spoke discourteously to § 87(2)(b)	
F.SGT Daniel Dallemand	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Sergeant Daniel Dallemand stopped the vehicle in which § 87(2)(b) was an occupant.	
G.SGT Daniel Dallemand	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Sergeant Daniel Dallemand authorized the frisk of § 87(2)(b)	
H.POM Jerry Joseph	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Police Officer Jerry Joseph searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I.SGT Daniel Dallemand	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Sergeant Daniel Dallemand authorized the search of the vehicle in which § 87(2)(b) was an occupant.	
J.POM Jerry Joseph	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road, Police Officer Jerry Joseph searched the vehicle in which § 87(2)(b) was an occupant.	
K.POM Steve Cruz	Abuse: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Police Officer Steve Cruz threatened to arrest § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On December 20, 2016, § 87(2)(b) filed this complaint with the CCRB via the website.

At approximately 9:30 p.m. on December 20, 2016, § 87(2)(b) was driving by himself in the vicinity of Clarendon Road and East 53rd Street in Brooklyn. He was then pulled over by Det. Adam Conlin of Patrol Borough Brooklyn South Specialized Units and PO Stephen Gibbons and PO Dwayne Hodge, both of the 68th Precinct (**Allegations A, B and C**). Once he was stopped, the officers asked § 87(2)(b) if he had been arrested before. § 87(2)(b) informed them that he had been arrested § 87(2)(b).

§ 87(2)(b). He also indicated that he had an open court case. Det. Conlin opened the driver's door of § 87(2)(b) vehicle and attempted to pull him out (**Allegation D**). He was unable to do so as § 87(2)(b) seat belt was still fastened. Det. Conlin then returned § 87(2)(b) license and registration and told him, "Have a nice fucking holiday" (**Allegation E**). § 87(2)(b) was released without being arrested or issued a summons.

At approximately 11:00 a.m. on December 21, 2016, § 87(2)(b) was again driving by himself in the vicinity of East 92nd Street and Canarsie Road in Brooklyn. He was pulled over by Sgt. Daniel Dallemand, PO Jerry Joseph and PO Steve Cruz of the 69th Precinct (**Allegation F**). § 87(2)(b) was asked to exit his vehicle. Once he stepped out, Sgt. Dallemand frisked him (**Allegation G**). PO Joseph then searched him by reaching into his pockets (**Allegation H**). § 87(2)(b) was escorted to the rear of his vehicle by Sgt. Dallemand and PO Cruz. PO Joseph entered § 87(2)(b) vehicle and searched its interior while § 87(2)(b) was at the rear of the vehicle (**Allegations I and J**). § 87(2)(b) complained to the officers that they had no right to search him. PO Cruz told § 87(2)(b) "Shut your mouth before I collar you" (**Allegation K**). After PO Joseph concluded his search of the vehicle, the officers allowed § 87(2)(b) to leave. He was not arrested or issued a summons.

§ 87(4-b) § 87(2)(g)

No video footage was found from the incident.

§ 87(2)(g)

This case is 169 days old as of June 6, 2017. It was delayed due to difficulties in identifying the subject officers involved in the December 20, 2016 incident. The case was further delayed due to difficulties in scheduling and interviewing Det. Conlin once he was identified.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- A Notice of Claim request was submitted to the NYC Comptroller's office on May 24, 2017. As of June 6, 2017, it is still pending. It will be included in the case file upon receipt.

- PO Joseph has been a member of the service for six years. These are the first CCRB allegations against him.
- PO Cruz has been a member of the service for five years. These are the first CCRB allegations made against him.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) stated that the three plainclothes officers who stopped him on December 20, 2016 were riding in an unmarked silver Ford Taurus. He described one of these officers as a 5'8" white male in his thirties and the other two officers as 5'10" black males.

An inquiry submitted to the New York State Troopers confirmed that an officer did conduct a warrant check on § 87(2)(b) at the time of the incident (See Board Review #03: Warrant Check Inquiry Results). This inquiry did not indicate which officer conducted the check. On February 28, 2017, Sgt. John Macari of IAB reviewed the results of the inquiry and stated that it did not provide sufficient information for him to identify which officer had conducted the check.

A search of unmarked vehicles assigned to the 67th Precinct and other plainclothes commands that might have been active in the precinct found that the only unmarked silver Ford Taurus assigned to these commands. This vehicle, assigned RMP #1321, was assigned to the Auto Larceny Unit within Patrol Borough Brooklyn South's Specialized Units (See Board Review #04: Fleet Services Check). According to the Auto Larceny Unit's roll call, Det. Conlin, PO Gibbons and PO Hodge were assigned to that vehicle at the time of the incident (See Board Review #05: Roll Call).

All three officers provided their pedigree information during their sworn statements. Det. Conlin is a § 87(2)(b)-old 6'2" white male. PO Gibbons is a § 87(2)(b)-old 6'2" white male. PO Hodge is a § 87(2)(b)-old 6'2" black male. While none of these officers recalled the incident, they all confirmed that they were assigned to patrol within the 67th Precinct on December 20, 2016. § 87(2)(g)

- § 87(2)(b) alleged that the white officer that he interacted with also attempted to pull him out of his vehicle, threatened to call his probation officer and used profanity towards him. § 87(2)(b) also stated that this officer verbally identified himself as "Connor." Det. Conlin, PO Gibbons and PO Hodge did not recall the incident, and did not recall either themselves or any other officers taking any of these actions towards § 87(2)(b). While none of them are named "Connor," Det. Conlin's name is a close match. Therefore, these allegations have been pleaded against him.
- It is undisputed that Sgt. Dallemand, PO Joseph and PO Cruz interacted with § 87(2)(b) during the incident on December 21, 2016. § 87(2)(b) and the officers gave conflicting testimony over which officers performed certain actions during the incident. § 87(2)(b)

stated that Sgt. Dallemand frisked him and that PO Joseph searched him. Sgt. Dallemand and PO Joseph stated that PO Cruz frisked § 87(2)(b) while PO Cruz stated that he did not recall who conducted the frisk. All three officers denied that a search was conducted on § 87(2)(b) person.

§ 87(2)(g)

Allegation A –Abuse of Authority: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B –Abuse of Authority: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Police Officer Stephen Gibbons stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C –Abuse of Authority: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Police Officer Dwayne Hodge stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) was interviewed at the CCRB on January 3, 2017 (See Board Review #06: § 87(2)(b) Statement). He stated that on December 20, 2016, he was driving a black Mercedes-Benz sedan near the intersection of East 80th Street and Farragut Avenue in Brooklyn. He was by himself at the time. The Mercedes-Benz was registered to his father. The vehicle's side windows were tinted. § 87(2)(b) acknowledged that the tinting on the windows was not legal. When § 87(2)(b) came to a stop at the intersection, he noticed an unmarked silver Ford Taurus stopped alongside him. When § 87(2)(b) proceeded through the intersection, the unmarked car followed him. § 87(2)(b) drove to the intersection of Clarendon Road and East 53rd Street. Once there, the unmarked car turned on his sirens and initiated a vehicle stop. § 87(2)(b) pulled over immediately. He denied committing any sort of moving violation before he was stopped. After he stopped, Det. Conlin, PO Gibbons and PO Hodge approached § 87(2)(b) vehicle. Det. Conlin told § 87(2)(b) that he had been stopped because of the tinted windows on the Mercedes-Benz. § 87(2)(b) was ultimately released without being arrested or issued a summons.

PO Gibbons and PO Hodge were interviewed at the CCRB on April 6, 2017. PO Conlin was interviewed at the CCRB on May 23, 2017 (See Board Review #07-09: MOS Statements). None of the officers recalled the incident. They did not recall conducting any vehicle stops at the time of the incident. None of them were familiar with § 87(2)(b) and none of them recognized his photograph.

New York State Vehicle Traffic Law §375.12-a(2) states that it is unlawful to operate a motor vehicle when its side windows are covered by or treated with any material that reduces light transmittance. Violation of this statute constitutes a misdemeanor (See Board Review #10: Legal Reference).

§ 87(2)(g)

Allegation D –Force: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after he was stopped, Det. Conlin reached into his vehicle, grabbed § 87(2)(b) by the front of his shirt, and attempted to pull him out of the vehicle. Det. Conlin was unable to move § 87(2)(b) from his seat, however, as § 87(2)(b) seatbelt was still fastened. § 87(2)(b) took no action to prevent Det. Conlin from grabbing his shirt or trying to pull him from the vehicle. When Det. Conlin found that he was unable to move § 87(2)(b) he ceased pulling. Det. Conlin made no further efforts to remove § 87(2)(b) from his car.

Det. Conlin, PO Gibbons and PO Hodge did not recall the incident. None of them recalled Det. Conlin or any other officer attempt to remove § 87(2)(b) from his car. They did not recall any such efforts being thwarted by § 87(2)(b) seatbelt.

§ 87(2)(g)

Allegation E –Discourtesy: On December 20, 2016, at the intersection of Clarendon Road and East 53rd Street in Brooklyn, Detective Adam Conlin spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that at the conclusion of the incident, Det. Conlin told, “Have a nice fucking holiday.”

Det. Conlin, PO Gibbons and PO Hodge did not recall the incident. They denied that they or any other officer told a civilian, “Have a nice fucking holiday.” The officers denied that any profanity was used towards a civilian at the time of the incident.

§ 87(2)(g)

Allegation F –Abuse of Authority: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Sergeant Daniel Dallemand stopped the vehicle in which § 87(2)(b) **was an occupant.**

§ 87(2)(g)

It is undisputed that Sgt. Dallemand, PO Cruz and PO Joseph pulled § 87(2)(b) over at 11:00 a.m. on December 21, 2016 near the intersection of East 92nd Street and Canarsie Road. These officers had not been involved in the stop that occurred on December 20, 2016. § 87(2)(b) was originally parked on the side of the street. He was sitting by himself in the driver's seat at the time. The officers drove by § 87(2)(b) vehicle in their unmarked vehicle. The officers initially did not stop § 87(2)(b) vehicle. After passing him, however, they drove around the block and drove up to § 87(2)(b) vehicle a second time. At this point, § 87(2)(b) vehicle was in motion. They initiated a vehicle stop during the second pass. After the stop, the officers informed § 87(2)(b) that they detected the odor of marijuana coming from § 87(2)(b) vehicle. No marijuana was recovered during the stop. § 87(2)(b) was not arrested or issued a summons.

§ 87(2)(b) stated that he was driving the same Mercedes-Benz with tinted windows during both incidents. § 87(2)(b) parked his vehicle in front of a fire hydrant near the intersection of East 92nd Street and Canarsie Road. He went into a nearby store to buy a cappuccino and a bagel. § 87(2)(b) then returned to his vehicle. He sat in the driver's seat and ate his bagel for about a minute. He did not state whether his windows were rolled up or down at the time. § 87(2)(b) did not initially recognize that the unmarked car that was a police vehicle when it first drove past him. He did not realize that it was a police vehicle until it turned on its siren to initiate the stop. After § 87(2)(b) was stopped, PO Cruz told § 87(2)(b) that he had smelled marijuana coming from inside of § 87(2)(b) vehicle, and that he thought that he had seen § 87(2)(b) rolling a joint inside of the vehicle. PO Cruz did not specify to § 87(2)(b) when he allegedly made this observation. § 87(2)(b) denied having any marijuana in the vehicle and denied that there was any odor of marijuana inside.

Sgt. Dallemand and PO Cruz were interviewed at the CCRB on February 2, 2017. PO Joseph was interviewed at the CCRB on February 3, 2017 (See Board Review #11-13: MOS Statements). They stated that at the time they stopped § 87(2)(b) PO Cruz was driving, Sgt. Dallemand was in the front passenger's seat, and PO Joseph was sitting behind the driver's seat. None of the officers made any mention of § 87(2)(b) being parked near or by a fire hydrant.

Sgt. Dallemand was familiar with § 87(2)(b) before the incident. He explained that he, PO Joseph and PO Cruz had arrested § 87(2)(b) in § 87(2)(b) 2016. He did not recall the circumstances of the arrest. He denied that his familiarity with § 87(2)(b) influenced his behavior during this incident. Sgt. Dallemand stated that the windows on the unmarked car were rolled down at the time, but that § 87(2)(b) windows were rolled up. § 87(2)(b) windows were tinted. As he rode past § 87(2)(b) vehicle, he estimated that he came to within an arm's-length distance from § 87(2)(b) position in the Mercedes-Benz. From that position, Sgt. Dallemand saw that § 87(2)(b) was smoking a lit cigarette. His vision into the vehicle was obstructed by the tints, but the tints were light enough that he was able to see that the cigarette was wrapped in brown paper. Sgt. Dallemand also detected an odor of burning marijuana coming from § 87(2)(b) vehicle. Sgt. Dallemand suspected that the cigarette contained marijuana based on the odor and the color of paper that was used to wrap it. No other factors contributed to this suspicion. Sgt. Dallemand decided to stop § 87(2)(b) based solely on this suspicion. No other factors, including the tints on the windows, contributed to this decision. Since the officers had already passed § 87(2)(b) vehicle, they had to drive around the block to come up behind him. When they stopped § 87(2)(b)

§ 87(2)(b) Sgt. Dallemand approached on foot. Initially, he stated that he was unable to see what § 87(2)(b) was doing in the vehicle when he approached. He then stated that he was able to see through the tinted windows. § 87(2)(b) was not holding anything when Sgt. Dallemand approached, but did appear to be chewing. Sgt. Dallemand and his partners told § 87(2)(b) to roll down his windows. He initially refused to do so, but ultimately complied after being told to do so several times. When he rolled down the windows, a cloud of smoke came out of the vehicle. The cloud smelled strongly of burning marijuana.

PO Cruz did not recall § 87(2)(b) by name, but recognized the photograph taken during § 87(2)(b) CCRB interview. PO Cruz recalled that he had arrested § 87(2)(b) at some time before the incident, but did not recall the circumstances of the arrest. PO Cruz denied that his previous interactions with § 87(2)(b) influenced his behavior during this incident. He did not recall whether either vehicle's windows were rolled down when they drove past § 87(2)(b) vehicle. Like Sgt. Dallemand, PO Cruz observed § 87(2)(b) smoking a cigarette and detected an odor of burning marijuana coming from § 87(2)(b) vehicle. He did not mention the color of the cigarette. PO Cruz suspected that the cigarette contained marijuana based on the odor. He also noted that the cigarette was emitting a larger volume of smoke than a tobacco cigarette, which he associated with the burning of marijuana. He also noted that § 87(2)(b) was not holding the cigarette when the officers initiated the stop. He made no mention of § 87(2)(b) rolling up his window or refusing to open a window. He did not recall § 87(2)(b) holding anything besides a cigarette while in his vehicle. He did not recall any clouds of smoke coming out of the vehicle.

PO Joseph was not familiar with § 87(2)(b) from before the incident. He stated that the windows in both § 87(2)(b) vehicle and the unmarked car were rolled down at the time. He did not recall if any of § 87(2)(b) windows were tinted. He also stated that he saw § 87(2)(b) smoking a brown cigarette in the front seat. PO Joseph also noted that the cigarette appeared to be longer than a normal cigarette. He observed the cigarette while the unmarked car was directly next to § 87(2)(b) vehicle. He did not detect an odor of marijuana at that time. PO Joseph suspected that the cigarette contained marijuana based only on the length and color of the cigarette. No other factors contributed to his suspicion, and no other factors besides this suspicion contributed to the decision to stop § 87(2)(b). When the officers drove by § 87(2)(b) for a second time and stopped him, PO Joseph saw that § 87(2)(b) had rolled up his windows. When the officers approached the vehicle, PO Joseph saw that § 87(2)(b) was no longer holding a cigarette, and was instead holding a bagel. PO Joseph also stated that § 87(2)(b) initially refused to roll down his windows. When § 87(2)(b) finally did, PO Joseph also observed a cloud of smoke that smelled of burning marijuana come out of the vehicle. This was the first time during the incident that PO Joseph detected such an odor.

The police may stop a vehicle based upon a reasonable suspicion that the driver or occupants of the vehicle have committed, are committing or are about to commit a crime. People v. May, 81 N.Y.2d 725 (1992) (See Board Review #14: Legal Reference).

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

was going to harm them in some way. When asked if he suspected that § 87(2)(b) was carrying a weapon at the time, PO Cruz replied, “I don’t know.” PO Cruz did not recall the extent of the frisk conducted on § 87(2)(b)

The smell of marijuana within a vehicle provides an officer with probable cause to search the vehicle’s occupants. People v. Chestnut, 36 N.Y.2d 971 (See Board Review #15: Legal Reference).

§ 87(2)(g)
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§ 87(2)(g)
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§ 87(2)(g)
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§ 87(2)(g)
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§ 87(2)(g)

§ 87(2)(g)

Allegation H – Abuse of Authority: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Police Officer Jerry Joseph searched § 87(2)(b)

§ 87(2)(b) alleged that after his pockets were frisked, PO Joseph reached inside of his front left pants pocket. At the time, § 87(2)(b) had several loose coins in the pocket. PO Joseph took the coins out and placed them on the top of § 87(2)(b) car. § 87(2)(b) not wanting to lose the money, immediately took the coins from the car and returned them to his pocket. PO Joseph did not reach into any other pockets. No other officers besides PO Joseph reached into § 87(2)(b) pockets or removed any items from his person.

PO Joseph denied reaching into § 87(2)(b) pockets, searching § 87(2)(b) person or removing any items, including coins, from § 87(2)(b) person. Sgt. Dallemand and PO Cruz did not recall any officers searching § 87(2)(b) or removing any items from § 87(2)(b)

§ 87(2)(g)

Allegation I – Abuse of Authority: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Sergeant Daniel Dallemand authorized the search of the vehicle in which § 87(2)(b) was an occupant.

Allegation J – Abuse of Authority: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Police Officer Jerry Joseph searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Joseph entered § 87(2)(b) vehicle and searched its interior. No items were removed or recovered from inside of the vehicle.

§ 87(2)(b) stated that after he was frisked and searched, PO Cruz and Sgt. Dallemand escorted him to the rear of his vehicle and spoke to him there. While § 87(2)(b) spoke to them, PO Joseph entered § 87(2)(b) vehicle through the driver's door. § 87(2)(b) did not see what PO Joseph did in the vehicle, or what areas of the vehicle PO Joseph accessed. No other officers besides PO Joseph entered the vehicle. § 87(2)(b) made no mention of any officer giving PO Joseph any instructions before the search was conducted.

PO Joseph stated that after § 87(2)(b) was frisked, Sgt. Dallemand told PO Joseph to check underneath the front driver's seat to look for § 87(2)(b) cigarette. PO Joseph leaned into the front seat of § 87(2)(b) vehicle in order to see underneath the seat. He did so in order to search for any marijuana that § 87(2)(b) had concealed in the vehicle. He did not examine any other areas besides underneath the front seat. He denied reaching into any other areas of the vehicle or handling any items inside of the vehicle. Nothing was found in the vehicle.

Sgt. Dallemand confirmed that PO Joseph searched § 87(2)(b) vehicle. His account was generally consistent with PO Joseph's. He made no mention of discussing the vehicle search with PO Joseph or PO Cruz before the search was conducted. PO Cruz also confirmed that PO Joseph searched the vehicle, but stated that he did not see which areas of the vehicle PO Joseph searched, or what specific actions PO Joseph took while inside of the vehicle.

An officer may search the interior of a vehicle pursuant to the general automobile exception when a strong odor of marijuana is detected in the vehicle. People v. Franklin, 137 A.D.3d 550 (App. Term, 1st Dept., 2016) (See Board Review #16: Legal Reference).

§ 87(2)(g)
[REDACTED]

Allegation K – Abuse of Authority: On December 21, 2016, at the intersection of East 92nd Street and Canarsie Road in Brooklyn, Police Officer Steve Cruz threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that while PO Joseph was searching his vehicle, he spoke to PO Cruz at the rear of his vehicle. § 87(2)(b) complained to PO Cruz that the officers had no right to search him. PO Cruz told him, "Shut your mouth before I collar you." § 87(2)(b) asked PO Cruz, "What you say?" PO Cruz responded, "I'll collar you." § 87(2)(b) asked, "Arrest me for what? I'm not doing anything wrong. You can't arrest me." PO Cruz replied, "I can do what I want." PO Cruz did not state what offense he would have arrested § 87(2)(b) for. § 87(2)(b) was not ultimately arrested.

PO Cruz and PO Joseph did not recall PO Cruz or any other officer telling § 87(2)(b) that he would be arrested. Sgt. Dallemand denied hearing such a threat. All of the officers stated that while they were unaware of any reason that § 87(2)(b) might have been arrested at the time besides potentially being in possession of marijuana.

§ 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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Squad: 16

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____

Title/Signature

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Date